

REMARKS / ARGUMENTS

Reconsideration of the application as amended is respectfully requested.

Before entry of the present amendment, Claims 1-15 were pending. At present, Claims 3-6, 8 and 9 are considered allowable if rewritten in independent form, including all the limitations of the base claims.

As such, Claims 3-6, 8 and 9 were rewritten as separately independent claims, including the limitations of the base claims.

Furthermore, new independent Claims 16 and 17 have been added, disclosing unanticipated and non-obvious limitations over the prior art cited by the examiner. Claims 16 and 17 disclose an enclosed container having a top, a base and a central portion, the container having a selectively openable and returnably resilient aperture, a top portion (Claim 16) or a base portion (Claim 17) having a perimeter encircling a concavity of the aperture, and at least one food item. Nothing in the prior art anticipates or renders this combination of elements obvious. As such, Claims 16 and 17 are also patentably distinguishable over the prior art cited.

Claims 18-29 are multidependent claims dependent from one or more of the independent Claims 3-6, 8, 9, 16 or 17, or all of the Claims 3-6, 8, 9, 16 and 17.

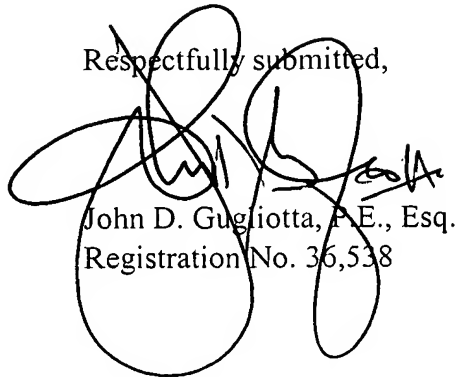
The appropriate fee accompanies this response.

Therefore, in view of foregoing amendments and clarifications, the applicant submits that allowance of the present application and all remaining claims, as amended, is in order and a formal

Utility Patent
Ser. No. 10/688,672

Notice of Allowance is respectfully requested at the earliest possible date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. D. Gugliotta', is written over the typed name and registration number.

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